

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DESIREE HERRERA,

Plaintiff,

v.

No. CIV 07-1128 LAM/ACT

**ALBUQUERQUE POLICE DEPARTMENT,
CITY OF ALBUQUERQUE,
OFFICER M.L. O'BRIEN, in her individual capacity and
JOHN DOES I through V, in their individual capacities,**

Defendants.

PLAINTIFF'S UNOPPOSED MOTION TO DISMISS CERTAIN CLAIMS

COMES NOW Plaintiff, by and through counsel, and moves this Court for an order dismissing the following claims with prejudice:

1. All of Plaintiff's § 1983 claims against the City of Albuquerque.
2. All Plaintiff's punitive damages claims against Officer O'Brien arising from claims under § 1983.
3. All claims against John Does I through V.

Defendants do not oppose this motion.

WHEREFORE, Plaintiff prays this Court for its order dismissing the above claims with prejudice.

Respectfully submitted,

THE LAW OFFICES OF NANCY L. SIMMONS, PC

Electronically submitted

BY: David Meilleur
120 Girard SE
Albuquerque, NM 87106
505-232-2575
Attorneys for Plaintiff

I hereby certify that on the 4th day of December 2008, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Kathryn Levy klevy@cabq.gov

Erika E Anderson erika@roblesrael.com

Electronically submitted

David Meilleur